

# MEMO ENDORSED

WILMERHALE

January 13, 2012

**By Email**

Honorable Richard J. Sullivan  
United States District Judge  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

USDS SDNY  
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SO ORDERED  
Date: 1/13/12

RICHARD J. SULLIVAN  
U.S.D.J.

Re: Enzo Biochem, Inc., et al. v. Amersham plc, et al. (No. 02 Civ 8448)  
Enzo Biochem, Inc., et al. v. Molecular Probes, Inc. (No. 03 Civ 3816)  
Enzo Biochem, Inc., et al. v. PerkinElmer, Inc., et al. (No. 03 Civ 3817)  
Enzo Biochem, Inc., et al. v. Orchid Biosciences (No. 03 Civ 3819)  
Affymetrix, Inc. v. Enzo Biochem, Inc., et al. (No. 03 Civ 8907)  
Enzo Life Sciences, Inc. v. Affymetrix, Inc. (No. 04 Civ 1555)  
Roche Diagnostics GmbH et al. v. Enzo Biochem, Inc. et al. (No. 04 Civ 4046)

Dear Judge Sullivan:

This letter is submitted jointly on behalf of defendants and/or declaratory judgment plaintiffs Amersham, Molecular Probes, Orchid Biosciences, Affymetrix, Roche Diagnostics GmbH, Roche Molecular Systems, and PerkinElmer. Please accept this letter as an application for an order sealing Exhibits 6, 8, 12, 17-21, and 23-30 to the Supplemental Declaration of Robert J. Gunther, Jr., which will be filed today concurrently with the defendants and/or declaratory judgment plaintiffs reply brief in support of their joint motion for summary judgment. Those exhibits contain highly confidential information that is covered under (1) the confidentiality provisions of certain distributor agreements between the parties, and/or (2) the protective orders in the above-referenced actions.

The Court granted similar applications in connection with the defendants' and/or declaratory judgment plaintiffs' joint motion for summary judgment. *See Enzo Biochem, Inc., et al v. Amersham PLC*, et al. 02-cv-08448 (S.D.N.Y.), Dkt. Nos. 255, 263. The Court (per the Honorable John Sprizzo) also granted a similar application in connection with the defendants' and/or declaratory judgment plaintiffs' previous joint motion for summary judgment. *See id.*, Dkt. No. 172.

Accordingly, I respectfully ask the Court grant this application for an order sealing Exhibits 6, 8, 12, 17-21, and 23-30 to the Supplemental Declaration of Robert J. Gunther, Jr., which will be filed today concurrently with the defendants and/or declaratory judgment plaintiffs reply brief in support of their joint motion for summary.

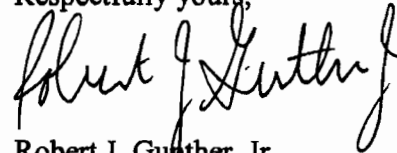
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Beijing Berlin Boston Brussels Frankfurt London Los Angeles New York Oxford Palo Alto Waltham Washington

January 13, 2012

Thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Robert J. Gunther, Jr.", written in a cursive style.

Robert J. Gunther, Jr.

cc: Counsel of Record